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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE RIDDELL CONCUSSION
REDUCTION LITIGATION

Civil Action No. 13-7585(JBS)(JS)

DECLARATION OF MICHAEL C. LYNCH

MICHAEL C. LYNCH, declares as follows:

1. I am a member of the law firm of Kelley Drye & Warren LLP (“Kelley Drye”) and counsel for Defendants in the above-captioned action. I am admitted to practice law in the State of New York and am admitted *pro hac vice* in this action. Pursuant to the Local Rules of the District Court for the District of New Jersey and the Standing Order entered in this case (*see* Dkt. No. 72), I make this declaration regarding discovery disputes raised in Defendants’ September 23, 2016 Letter in advance of the scheduled telephonic argument on September 30, 2016.

Compliance with Local Rule 37.1 and the Standing Order

2. In accordance with the Standing Order and the Local Rules of the District Court of the District of New Jersey, Defendants met and conferred with Plaintiffs through written correspondence as well as telephonic and in-person meetings concerning all discovery disputes raised by Defendants' September 23 Letter.

3. Plaintiffs did not meet and confer with Defendants by telephone, in-person meetings, written correspondence, or any other means concerning their September 13 Letter. In fact, Plaintiffs cancelled a meet and confer on the issues raised by their September 13 Letter one hour before it was filed.

4. On September 8, 2016, Defendants took the first deposition of a Plaintiff, Douglas Aronson.

5. On September 9, Riddell raised issues regarding the collection of documents by Plaintiffs Douglas and Denise Aronson as a result of testimony and exhibits introduced during the deposition of Douglas Aronson. See Exhibit A (E-Mail Correspondence Dated September 9-13, 2016), at 2-3. Mr. Aronson's inability to recollect facts essential to his claims in this case also led Riddell to issue the subpoena to DePaul that same day.

6. On September 12, Plaintiffs responded that they could not speak about the issues raised by Riddell until Thursday September 15. Upon Riddell's further request, Plaintiffs agreed to conduct a meet and confer on September 13 "to discuss the matters [raised by Riddell] and the DePaul subpoena." See Ex. A at 1-2.

7. At 2:06 P.M. on September 13, Plaintiffs cancelled that meet and confer, and Riddell was directed to wait until Thursday September 15 to address the issues. See **Ex. A.** at 1.

8. At 3:08 P.M. on September 13, Riddell received notice that Plaintiffs had electronically filed their September 13 Letter. Lynch Decl., **Exhibit B**.

Subpoena to DePaul Catholic High School

9. As directed by the Court's September 14, 2016 Order, I contacted Kenneth Mullaney, counsel for the Archdiocese of Paterson (which represents DePaul Catholic High School) to "advise DePaul not to respond to their subpoena until the Court rules on plaintiffs' application." *See* Dkt. 165.

10. During that call, Mr. Mullaney advised that DePaul has no objections to the subpoena and that he has already directed the collection of documents to be produced when the Court so orders.

Other Documents Referred to in Defendants' September 23 Letter

11. Attached hereto as **Exhibit C** is a true and correct copy of Plaintiffs' Second Amended Consolidated Class Action Complaint.

12. Attached hereto as **Exhibit D** is a true and correct copy of Plaintiff Douglas and Denise Aronsons' Supplemental Responses to Defendants' First Set of Interrogatories.

13. Attached hereto as **Exhibit E** is a true and correct copy of the transcript from the deposition of Douglas Aronson held September 8, 2016.

14. Attached hereto as **Exhibit F** are true and correct copies of Douglas Aronson Deposition Exhibits 11 and 12.

15. Attached hereto as **Exhibit G** is a true and correct copy of Defendants' First Request for the Production of Documents to Plaintiffs Douglas and Denise Aronson.

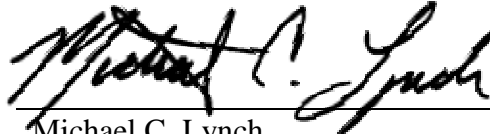
16. Attached hereto as **Exhibit H** is a true and correct copy of all Plaintiffs' responses to Defendants' Second Set of Interrogatories.

17. Attached hereto as **Exhibit I** is a true and correct copy of Plaintiffs' April 6, 2016 Letter sending Alliance Youth Sports Associations' "corrected production of documents."

18. Attached hereto as **Exhibit J** is a true and correct copy of e-mail correspondence between Counsel for Defendants and Counsel for Plaintiffs dated September 9-22, 2016.

I declare under penalty of perjury that the foregoing statements are true and correct.

Dated: September 23, 2016



Michael C. Lynch